

WEDNESDAY, MARCH 31, 1993

**TWENTY-SEVENTH LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Bill Blanchard, First Baptist Church, Soddy Daisy, Tennessee.

Representative Stulce led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Foyles, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Piñon, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**March 30, 1993**

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Thursday, April 1, 1993: House Bill(s) No(s). 1435, 688, 667, 668, 645 and 679; House Joint Resolution(s) No(s). 41; House Bill(s) No(s). 792, 591, 1363 and 1012; House Joint Resolution(s) No(s). 62; also, House Bill(s) No(s). 1342, 1343, 897, 35, 44 and 146.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 5, 1993: House Bill(s) No(s). 979 and 1405; House Joint Resolution(s) No(s). 106 and 107; also, House Bill(s) No(s). 486, 831 and 1213.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on Tuesday, March 30, 1993, reported the following:

**AGRICULTURE**

The Agriculture Committee recommended for passage: House Bill(s) No(s). 567. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 482 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

**COMMERCE**

The Commerce Committee recommended for passage: House Bill(s) No(s). 951 and 1292; also, House Bill(s) No(s). 530 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1320 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

**CONSUMER AND EMPLOYEE AFFAIRS**

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 116 and 1539 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 93 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

**EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 818; House Bill(s) No(s). 1071 and 1069 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 81 and 145. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 457 and 544 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

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### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 430, 959, 1271, 17 and 23; also, House Bill(s) No(s). 955, 1084, 680 and 1297 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

### STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1043, 502, 1219, 1011 and 1593; House Bill(s) No(s). 948, 261 and 681 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 14. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 926; also, House Bill(s) No(s). 1195 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 925.

### TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 766 and 96; also, House Bill(s) No(s). 1286 and 1083 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1410; also, House Bill(s) No(s). 1085 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

### MESSAGE FROM THE SENATE

March 30, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 46, 67 and 111; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0046 -- Memorials, Congress -- Urges designation of second Monday in August as "Clergy Day". by \*Crutchfield.

\*Senate Joint Resolution No. 0067 -- Memorials, Government Officials -- Urges commissioner of revenue to obtain federal legislation permitting application of state use taxes to out of state mail order companies who solicit sales from residents of taxing states. by \*Henry, \*Rochelle, \*Kyle, \*Hamilton, \*Crowe.

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\*Senate Joint Resolution No. 0111 -- General Assembly, Directed Studies -- Requests state board of regents to build state technical institute in Cookeville. by \*Burks.

MESSAGE FROM THE SENATE

March 30, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 4, 176, 224, 225, 370, 404, 521, 543, 637, 641, 679, 743, 783, 816, 1039 and 1238, passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Bill No. 0004 -- Crime, Victims of -- Makes mandatory the rights of victims of crime and of prosecution witnesses set forth in Victims' Bill of Rights Act of 1990. by \*Burks.

\*Senate Bill No. 0176 -- Drugs -- Authorizes discretion to trial court for certain criminal defendants for option of drug offender school or community service work. Amends TCA, Title 39, Ch. 17, Pt. 4. by \*Cohen.

\*Senate Bill No. 0224 -- Municipal Government -- Deletes right of appeal to chancery court after hearing by municipal planning commission in Hamilton, Knox, Davidson and Shelby counties. Amends TCA 13-4-304. by \*Albright.

\*Senate Bill No. 0225 -- Regional Authorities -- Deletes right to have action of regional planning commission appealed to county legislative body or other legislative body having jurisdiction over zoning matters in Hamilton and Knox counties. Amends TCA 13-3-404. by \*Albright.

\*Senate Bill No. 0370 -- Right to Die -- Authorizes emergency medical services personnel to honor "Do Not Resuscitate" order properly executed by patient. Amends TCA, Title 68, Ch. 140. by \*Atchley, \*Gilbert, \*Rice, \*McNally.

\*Senate Bill No. 0404 -- Health, Dept. of -- Revises procedure and income reporting requirements for grant assistance programs; requires monthly payment of grant. Amends TCA, Title 71, Ch. 5, Pt. 13. by \*Cooper, Person.

\*Senate Bill No. 0521 -- Medicine, Practice of -- Requires physicians to warn patients of any risks associated with use or repetitive use of radiation to treat non-cancerous diseases, disorders, or skin conditions; requires signed acknowledgement of receipt of such warning. Amends TCA 63-6-214. by \*Cohen.

\*Senate Bill No. 0543 -- Physicians and Surgeons -- Exempts certain physicians from requirements of Tennessee Medical Laboratory Act under certain circumstances. Amends TCA, Title 68, Ch. 29. by \*Holcomb.

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**\*Senate Bill No. 0637 -- Motor Vehicles --** Expands PSC jurisdiction over farm motor vehicles to include vehicles subject to federal carrier safety regulations. Amends TCA 65-15-113. by \*McKnight, Hamilton, Crowe, Springer.

**\*Senate Bill No. 0641 -- Consumer Protection --** Requires stringent disclosure to recipients of prizes, promotional gifts and awards. Amends TCA, Title 47, Ch. 18, Pt. 1. by \*Cooper.

**\*Senate Bill No. 0679 -- Mass Transit --** Directs department of transportation to investigate and report to general assembly on statewide program of transportation services for blind and disabled. by \*Harper.

**\*Senate Bill No. 0743 -- Municipal Government --** Provides if municipality's wastewater system has been in operation less than three years or total equity is four times greater than debt, depreciation expense is not considered in determining operating deficit. Amends TCA 68-221-1010. by \*Henry.

**\*Senate Bill No. 0783 -- Highway Signs --** "International Grand Championship Walking Horse Show," Murfreesboro. by \*Womack.

**\*Senate Bill No. 0816 -- Alcoholic Beverages --** Eliminates residence requirements for beer and liquor permits; restricts ordinance power of cities and towns over permit holders. Amends TCA, Title 57, Chs. 3--5. by \*Rochelle.

**\*Senate Bill No. 1039 -- Probate Law --** Enacts "Tennessee Uniform Statutory Rule Against Perpetuities". by \*Gilbert, \*Jordan, \*McKnight.

**\*Senate Bill No. 1238 -- State Government --** Creates 1996 Tennessee Bicentennial Commission. Amends TCA, Title 4. by \*Harper, \*Crutchfield, \*Henry.

**ENROLLED BILLS  
March 30, 1993**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 19, 150, 313, 369, 499, 675, 1418 and 1594; House Joint Resolution(s) No(s). 30; also, House Resolution(s) No(s). 2 and 20.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
March 31, 1993**

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Monday, April 5, 1993: House Bill(s) No(s). 1534, 669, 649, 648, 331, 344, 790, 587, 918, 755 and 1100.

## **WEDNESDAY, MARCH 31, 1993 -- TWENTY-SEVENTH LEGISLATIVE DAY**

The Committee set the following bills on the **Regular Calendar** for Wednesday, April 7, 1993: House Bill(s) No(s). 472, 527 and 531.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for Monday, April 5, 1993: House Bill(s) No(s). 464, 1387 and 438.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on Wednesday, March 31, 1993, reported the following:

#### **CONSERVATION AND ENVIRONMENT**

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1205; also, for adoption: House Joint Resolution(s) No(s). 109. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 433 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

#### **HEALTH AND HUMAN RESOURCES**

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 431; House Bill(s) No(s). 847, 1268 and 1148 with amendment(s); for adoption: House Joint Resolution(s) No(s). 144; also House Joint Resolution(s) No(s). 146 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1468; also, House Bill(s) No(s). 346 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

#### **JUDICIARY**

The Judiciary Committee recommended for passage: House Bill(s) No(s). 528, 846, 1323, 393, 883, 880 and 1062; House Bill(s) No(s). 592, 1375, 1423, 1252 and 1352 with amendment(s); for adoption: House Resolution(s) No(s). 5, 7 and 6; House Joint Resolution(s) No(s). 133; also, House Resolution(s) No(s). 22 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1204 (with amendment(s)). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

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We further report that the following was/were considered but failed to pass: House Bill No. 371.

**SIGNED**  
**March 31, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 19, 150, 313, 369, 499, 675, 1418 and 1594; House Joint Resolution(s) No(s). 30; also, House Resolution(s) No(s). 2 and 20.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

### **RECOGNITION**

Rep. Napier approached the well to introduce Miss Angela Kitrell, Miss Maury County and Miss Mule Day.

### **INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 0152 -- Naming and Designating -- Preston Ray Goodrum National Guard Armory. by \*Rinks.**

State and Local Government Committee.

**\*House Joint Resolution No. 0156 -- Highway Signs -- "Judge John B. Bond Bridge," Hatchie River, U.S. 70 West, Haywood County. by \*Crain.**

Transportation Committee.

### **RESOLUTIONS**

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, April 1, 1993:

**House Joint Resolution No. 0157 -- Memorials, Professional Achievement -- Judy Darden, Nominee American Teacher Awards. by \*Venable, \*Westmoreland, \*Ramsey.**

**House Joint Resolution No. 0158 -- Memorials, Public Service -- John S. Hurst, Fountain City. by \*Severance, \*Peroulas Draper, \*Boyer, \*Bittle, \*Armstrong, \*Williams Micheal, \*Ritchie, \*Tindell.**

**House Joint Resolution No. 0159 -- Memorials, Recognition and Thanks -- Participants in re-enactment of Battle of Murfreesboro. by \*Liles, \*Bragg, \*Mires, \*McDaniel.**

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House Joint Resolution No. 0160 -- Memorials, Sports -- Vanderbilt University men's basketball team. by \*Love.

House Joint Resolution No. 0161 -- Memorials, Sports -- 1992-1993 Meigs County High School girls' basketball team. by \*Fisher.

#### RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 0046 -- Memorials, Congress -- Urges designation of second Monday in August as "Clergy Day".  
State and Local Government Committee.

\*Senate Joint Resolution No. 0067 -- Memorials, Government Officials -- Urges commissioner of revenue to obtain federal legislation permitting application of state use taxes to out of state mail order companies who solicit sales from residents of taxing states.

Finance, Ways and Means Committee.

\*Senate Joint Resolution No. 0111 -- General Assembly, Directed Studies -- Requests state board of regents to build state technical institute in Cookeville.

Education Committee.

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1630 -- Lookout Mountain -- Requires town judge to have same qualifications as are required by Tennessee Constitution, Article VI, Sec. 4, for judges of inferior courts. Amends Chapter 210, Private Acts of 1992. by \*McAfee.

House Bill No. 1631 -- Montgomery County -- Repeals Chapter 288, Private Acts of 1970 which established a non-profit Municipal Stadium Authority for Montgomery County and Austin Peay State University. by \*Knight, \*Head.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:



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**\*Senate Bill No. 0004 -- Crime, Victims of --** Makes mandatory the rights of victims of crime and of prosecution witnesses set forth in Victims' Bill of Rights Act of 1990. (HB 0564).

**\*Senate Bill No. 0176 -- Drugs --** Authorizes discretion to trial court for certain criminal defendants for option of drug offender school or community service work. Amends TCA, Title 39, Ch. 17, Pt. 4. (HB 0158).

**\*Senate Bill No. 0224 -- Municipal Government --** Deletes right of appeal to chancery court after hearing by municipal planning commission in Hamilton, Knox, Davidson and Shelby counties. Amends TCA 13-4-304. (HB 1181).

**\*Senate Bill No. 0225 -- Regional Authorities --** Deletes right to have action of regional planning commission appealed to county legislative body or other legislative body having jurisdiction over zoning matters in Hamilton and Knox counties. Amends TCA 13-3-404. (HB 1182).

**\*Senate Bill No. 0370 -- Right to Die --** Authorizes emergency medical services personnel to honor "Do Not Resuscitate" order properly executed by patient. Amends TCA, Title 68, Ch. 140. (HB 1437).

**\*Senate Bill No. 0404 -- Health, Dept. of --** Revises procedure and income reporting requirements for grant assistance programs; requires monthly payment of grant. Amends TCA, Title 71, Ch. 5, Pt. 13. (HB 0758).

**\*Senate Bill No. 0521 -- Medicine, Practice of --** Requires physicians to warn patients of any risks associated with use or repetitive use of radiation to treat non-cancerous diseases, disorders, or skin conditions; requires signed acknowledgement of receipt of such warning. Amends TCA 63-6-214. (HB 0431).

**\*Senate Bill No. 0543 -- Physicians and Surgeons --** Exempts certain physicians from requirements of Tennessee Medical Laboratory Act under certain circumstances. Amends TCA, Title 68, Ch. 29. (HB 1153).

**\*Senate Bill No. 0637 -- Motor Vehicles --** Expands PSC jurisdiction over farm motor vehicles to include vehicles subject to federal carrier safety regulations. Amends TCA 65-15-113. (HB 1320).

**\*Senate Bill No. 0641 -- Consumer Protection --** Requires stringent disclosure to recipients of prizes, promotional gifts and awards. Amends TCA, Title 47, Ch. 18, Pt. 1. (HB 1539).

**\*Senate Bill No. 0679 -- Mass Transit --** Directs department of transportation to investigate and report to general assembly on statewide program of transportation services for blind and disabled. (HB 1299).

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\*Senate Bill No. 0743 -- Municipal Government -- Provides if municipality's wastewater system has been in operation less than three years or total equity is four times greater than debt, depreciation expense is not considered in determining operating deficit. Amends TCA 68-221-1010. (HB 1548).

\*Senate Bill No. 0783 -- Highway Signs -- "International Grand Championship Walking Horse Show," Murfreesboro. (HB 0697).

\*Senate Bill No. 0816 -- Alcoholic Beverages -- Eliminates residence requirements for beer and liquor permits; restricts ordinance power of cities and towns over permit holders. Amends TCA, Title 57, Chs. 3--5. (HB 0721).

\*Senate Bill No. 1039 -- Probate Law -- Enacts "Tennessee Uniform Statutory Rule Against Perpetuities". (HB 0890).

\*Senate Bill No. 1238 -- State Government -- Creates 1996 Tennessee Bicentennial Commission. Amends TCA, Title 4. (HB 0669).

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1626 -- Anderson County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1628 -- Dyersburg -- Held on Clerk's desk pending approval by local delegation.

#### CONSENT CALENDAR

House Resolution No. 0021 -- Memorials, Personal Achievement -- Misha Nicole Kilpatrick, Grand Worthy Advisor, Rogersville Rainbow Assembly #95.

House Joint Resolution No. 0151 -- Memorials, Sports -- Coach David Russell and Bradford Lady Red Devils.

House Joint Resolution No. 0153 -- Memorials, Death -- Paul Pardun.

House Joint Resolution No. 0154 -- Memorials, Sports -- Union University Lady Bulldogs basketball team.

House Joint Resolution No. 0155 -- Memorials, Professional Achievement -- Michael Hawkins, Principal at Hamilton Elementary School.

Pursuant to Rule No. 50, Rep. Phillips moved that all House

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Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

House Bill No. 1093 -- Lewis County -- Levies tax on pulpwood; proceeds to go to Lewis County Tomorrow Project Fund.

Further consideration of House Bill No. 1093, previously considered on March 1 and 3, 1993, at which time it was reset to the Calendar for March 31, 1993.

Rep. Moore moved that House Bill No. 1093 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0771 -- Licenses -- Clarifies that licensure requirements for professional geological work do not apply to duly licensed professional engineer. Amends TCA 62-36-102.

Further consideration of House Bill No. 771, previously considered on March 10 and 17, 1993, at which time Amendments Nos. 1 and 2 were adopted and it was reset to the Calendar for March 31, 1993.

Rep. Arriola moved that House Bill No. 771 be passed on third and final consideration.

Rep. Arriola moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 771 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-36-102, is further amended by adding the following new subsection:

(c) All services will be performed in a manner consistent with the level of care and skill ordinarily exercised by members of the geologic profession practicing in the State of Tennessee, under similar conditions, when the services were rendered.

On motion, Amendment No. 3 was adopted.

Rep. Arriola moved that House Bill No. 771, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	4
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Callicott, Phillips, Ritchie, Tindell -- 4.

Representatives present and not voting were: Boyer, Stamps -- 2.

A motion to reconsider was tabled.

House Bill No. 0549 -- Fiduciaries -- Adds definition of "bad faith" to Uniform Fiduciaries Act. Amends TCA, Title 35, Ch. 2.

Further consideration of House Bill No. 549, previously

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considered on March 24, 1993, at which time it was reset to the Calendar for March 31, 1993.

On motion, House Bill No. 549 was made to conform with Senate Bill No. 229; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 229 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 229 by deleting from the amendatory language of Section 1 as amended the following:

A bank or savings institution shall have no duty to establish a restricted account or to limit transactions in such account unless: (1) specifically and separately requested in writing by the fiduciary; or (2) directed by a court, authorizing or appointing a fiduciary, in a separate order directed to a bank or savings institution to establish a restricted account or to limit transactions in such account. Upon receipt of the notice from the fiduciary or court and establishment of such account, a bank or savings institution shall have the duties and liability otherwise provided in this chapter.

and by inserting instead the following:

A bank or savings institution shall have no duty to establish an account for a fiduciary or to limit transactions in an account so established unless in its discretion it contracts in writing with the fiduciary to establish or limit transactions with respect to such an account; provided, however, that this shall not preclude a court from temporarily enjoining or restraining the removal of funds from an existing account by a bank or savings institution over which the court exercises personal jurisdiction.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that Senate Bill No. 229, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	1
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott,

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Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Ritchie -- 1.

Representatives present and not voting were: Brown, West -- 2.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0038 -- Memorials, Congress --**  
Expresses opposition against lifting the ban prohibiting service of homosexuals in military.

Rep. Pinion moved that House Joint Resolution No. 38 be adopted.

On motion, Rep. R. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Pinion moved to adopt Amendment No. 2 as follows:

**Amendment No.2**

AMEND House Joint Resolution No. 38 by deleting all of language following the caption and by substituting instead the following:

WHEREAS, President Clinton has proposed reversing the ban against homosexuals serving in the armed forces of the United States; and

WHEREAS, this proposal has initiated a vigorous debate on whether or not such policy should be changed and many questions raised by the proposal will be considered in hearings to be held on this proposal by the Congress of the United States; and

WHEREAS, this debate is further complicated by recent incidents of sexual misconduct and assault which have occurred in Saudia Arabia and at the Tailhook Convention which are currently being investigated and debated by Congress; and

WHEREAS, it is appropriate in a democracy for the

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elected representatives of the people to take testimony, consider the views of different groups affected by the proposed policy change and then accept, modify or reject policy initiatives of the chief executive; and

WHEREAS, although it is appropriate for the Congress to conduct a public debate on this issue and balance the interests involved, it is also appropriate for the general assembly to convey the consensus of its constituency to the Congress prior to its deliberations; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this body does hereby convey to the United States Congress and to President Clinton the overwhelming preference of Tennesseans for preservation and maintenance of the prohibition against homosexuals serving in the armed forces.

BE IT FURTHER RESOLVED, That the United States Congress is also urged to include sexual misconduct by heterosexuals in the military in the debate and to develop and implement a policy or legislation to insure that any sexual misconduct will result in appropriate discipline.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Tennessee congressional delegation.

On motion, Amendment No. 2 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Pinion moved that House Joint Resolution No. 38, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

\*House Joint Resolution No. 0071 -- Memorials, Government Officials -- Encourages department of health, bureau of medicaid, to expand managed care principles in medicaid program.

Rep. McDaniel moved that House Joint Resolution No. 71 be adopted, which motion prevailed.

A motion to reconsider was tabled.

House Bill No. 0765 -- Highway Signs -- "Nature Center," Hamilton County, 1-24.

On motion, House Bill No. 765 was made to conform with Senate Bill No. 1185; the Senate Bill was substituted for the House Bill.

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Rep. McAfee moved that Senate Bill No. 1185 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1185 by inserting between the words "Nature Center" and the words "in Hamilton County" in Section 1 of the printed bill the words "and Reflection Riding Botanical Garden".

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved that Senate Bill No. 1185, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 0045 -- Memorials, Professional Achievement -- President Clinton and Vice President Gore.**

Further consideration of Senate Joint Resolution No. 45, previously considered on February 8, 1993, at which time it was re-referred to the State and Local Government Committee.

Rep. Ridgeway moved that Senate Joint Resolution No. 45 be concurred in, which motion prevailed, with Rep. Chiles recorded as not voting.

A motion to reconsider was tabled.



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House Bill No. 0575 -- County Officers -- Requires county executive to appoint county executive pro tempore if county executive absent. Amends TCA, Title 5, Chs. 5, 6.

Further consideration of House Bill No. 575, previously considered on March 18 and 25, 1995, at which time a motion was made to adopt Amendment No. 1 and it was reset for March 31, 1993.

Rep. Jackson moved that House Bill No. 575 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0121 -- Business and Commerce -- Prohibits pawnbrokers from purchasing property from minor; requires dealers and traders selling merchandise to pawnbroker to have sales tax registration certificate. Amends TCA, Title 45, Ch. 6, Pt. 2.

Further consideration of House Bill No. 121, previously considered on March 25, 1993, at which time it was reset to the Calendar for March 31, 1993.

Rep. Jackson moved that House Bill No. 121 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 91.

Representatives voting no were: Cross, Ridgeway, Rinks, Williams (Williamson), Mr. Speaker Naifeh -- 5.

A motion to reconsider was tabled.

House Bill No. 1014 -- Law Enforcement -- Revises training standards for sheriffs; establishes criteria for sheriffs to receive police pay supplement. Amends TCA, Title 38, Ch. 8.

Further consideration of House Bill No. 1014, previously considered on March 29, 1993, at which time it was objected to on

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the Consent Calendar and reset to the Regular Calendar for March 31, 1993.

Rep. Kent moved that House Bill No. 1014 be passed on third and final consideration.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

Rep. Kent moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Buck moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1014 by adding the following language at the end of subdivision (f)(2)(E) of the amendatory language of Section 4 of the printed bill:

provided, however, if such conviction occurred twenty (20) years or more prior to the election the provisions of this subdivision shall not apply;

AND FURTHER AMEND by adding the following to the end of subdivision (f)(2)(F) of the amendatory language of Section 4 of the printed bill:

provided, however, if such discharge other than an honorable discharge occurred twenty (20) years or more prior to the election the provisions of this subdivision shall not apply;

AND FURTHER AMEND by adding the following language as a new Section 6 and by redesignating the subsequent section accordingly:

Section \_\_\_\_\_. Nothing in this act shall be construed as prohibiting any sheriff currently in office from seeking reelection and being re-elected to such office.

On motion, Amendment No. 2 was adopted.

Rep. Kent moved that House Bill No. 1014, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	92
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Joyce -- 1.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to aye on House Bill No. 1014 and have this statement entered in the Journal: Rep(s). Joyce.

REGULAR CALENDAR, CONTINUED

House Bill No. 1520 -- Veterans -- Authorizes sale of possessions of veterans who die intestate at state veterans' nursing homes or who abandon property at such homes to provide for needy residents. Amends TCA, Title 58, Ch. 7.

Further consideration of House Bill No. 1520, previously considered on March 29, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 31, 1993.

Rep. Hillis moved that House Bill No. 1520 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole

(Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 0877 -- Loan Companies -- Authorizes loans secured by real property to be closed at attorneys' office or title insurance company or agency licensed in Tennessee, so long as located in Tennessee and within 100 miles of registered office of registrant making loan. Amends TCA 45-5-103.

Further consideration of House Bill No. 877, previously considered on March 29, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 31, 1993.

On motion, House Bill No. 877 was made to conform with Senate Bill No. 684; the Senate Bill was substituted for the House Bill.

Rep. Moore moved that Senate Bill No. 684 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood -- 95.

Representatives voting no were: Bragg, Shirley -- 2.

A motion to reconsider was tabled.

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**House Bill No. 0954 -- Architects and Engineers --** Revises various provisions concerning architects, engineers and landscape architects. Amends TCA 62-2-102, 103; Title 62, Ch. 2, Pt. 4.

Further consideration of House Bill No. 954, previously considered on March 29, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 31, 1993.

On motion, House Bill No. 954 was made to conform with Senate Bill No. 680; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that Senate Bill No. 680 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0404 -- Nurseries --** Requires the department of agriculture to encourage and support statewide development of nursery stock production. Amends TCA, Title 43, Ch. 1, Pt. 1.

Further consideration of House Bill No. 404, previously considered on March 29, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 31, 1993.

Rep. Crain moved that House Bill No. 404 be passed on third and final consideration.

Rep. Bell moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 404 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_ Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Bell moved adoption of Agriculture Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 404 by adding the following language as a new Section 2 and by renumbering subsequent sections accordingly:

SECTION 2. To the extent feasible within existing budgetary resources, the agricultural extension service of the university of Tennessee institute of agriculture shall assist and cooperate with the department of agriculture in the provision and coordination of technical assistance, statistical, marketing and other information, support and encouragement necessary to promote and enhance the statewide development of nursery stock production.

On motion, Amendment No. 2 was adopted.

Rep. Crain moved that House Bill No. 404, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stöckburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams

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(Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### SECOND READING

**\*House Joint Resolution No. 0073 -- Constitutional Amendments -- Removes lottery prohibition in Article XI, Section 5.**

Rep. Kernell requested that the Clerk read House Joint Resolution No. 73. The Speaker directed the Clerk to read the resolution. The Clerk read House Joint Resolution No. 73. Rep. Kernell moved that House Joint Resolution No. 73 be placed on the Calendar for Thursday, April 1, 1993, (Third Reading), which motion prevailed.

**\*Senate Bill No. 0497 -- Highways, Roads and Bridges -- Expands definition of "street" and "street improvements" for municipal aid funds; revises eligibility of city or county to receive certain revenues from gasoline tax based on appropriation and allocation of funds for road purposes on average of certain number of years. Amends TCA, Title 54, Ch. 4; Title 67, Ch. 3.**

Further consideration of Senate Bill No. 497, previously considered on March 29, 1993, at which time it was substituted for House Bill No. 419, Amendment No. 1 was withdrawn, and it was reset to the Calendar for March 31, 1993.

Rep. Fowlkes moved that Senate Bill No. 497 be passed on third and final consideration.

Rep. Armstrong moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved to adopt Amendment No. 3 as follows:

#### Amendment No. 3

AMEND Senate Bill No. 497 by deleting subdivision (3) from the amendatory language of Section 1 of the printed bill and substituting the following:

(3) "Street" includes streets, highways, avenues, boulevards, publicly owned rights-of-way, bridges, tunnels, public parking areas or other public ways dedicated to public use and maintained for general public travel lying within a municipality's corporate boundaries; and

AND FURTHER AMEND by deleting from subdivision (4) of the amendatory language of Section 1 of the printed bill the words and punctuation "extension and widening of existing streets," and by substituting instead the following:

extension and widening of existing streets, elimination of railroad grade crossings,

On motion, Amendment No. 3 was adopted.

Rep. Fowlkes moved that Senate Bill No. 497, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . . 98  
Noes. . . . . 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

Senate Bill No. 0544 -- Zoning -- Shortens from 30 to 15 days length of time required for notice of public hearing to amend county zoning ordinance provisions. Amends TCA 13-7-105.

Further consideration of Senate Bill No. 544, previously considered on March 29, 1993, at which time it was substituted for House Bill No. 148 and reset to the Calendar for March 31, 1993.

Rep. Westmoreland moved that Senate Bill No. 544 be passed on third and final consideration.

Rep. Odom moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 544 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of five hundred



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thousand (500,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that Senate Bill No. 544, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	82
Noes	15

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Robinson, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Armstrong, Arriola, Brown, Haley, Halteman Harwell, Haun, Herron, Kent, Lewis, Owenby, Rinks, Ritchie, Severance, Williams (Union), Windle -- 15.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 544 and have this statement entered in the Journal: Rep(s). Peroulas Draper and Stamps.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to no on Senate Bill No. 544 and have this statement entered in the Journal: Rep(s). Walley.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

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REGULAR CALENDAR, CONTINUED

\*Senate Bill No. 0005 -- Insurance, Motor Vehicles -- Authorizes injured occupant to recover from insurance policy with highest limits of uninsured coverage if primary coverage is exhausted due to extent of compensatory damages. Amends TCA, Title 56, Ch. 7, Pt. 12.

Further consideration of Senate Bill No. 5, previously considered on March 29, 1993, at which time it was substituted for House Bill No. 1303, Amendment No. 1 was withdrawn, and it was reset to the Calendar for March 31, 1993.

Rep. Buck moved passage of Senate Bill No. 5 on third and final consideration.

Rep. Thompson moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	66
Noes. . . . .	23
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Hillis, Huskey, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Windle, Winningham, Wix, Wood -- 66.

Representatives voting no were: Bittle, Chiles, Chumney, Cole (Dyer), DeBerry, Duer, Fowlkes, Herron, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), McDaniel, McKee, Meyer, Odom, Peroulas Draper, Stamps, Stockburger, Turner (Shelby), Williams (Shelby), Williams (Union), Williams (Williamson) -- 23.

Representatives present and not voting were: Joyce, Purcell -- 2.

Rep. Buck moved that Senate Bill No. 5 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	5
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones

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R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Boyer, Chiles, Meyer, Shirley, Stockburger -- 5.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

##### HOUSE ACTION ON SENATE MESSAGE

\*Senate Bill No. 0374 -- Motor Vehicles, Titling and Registration -- Requires agencies to document request for information about motor vehicle records. Amends TCA, Title 55, Ch. 2.

Rep. Peroulas Draper moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to Senate Bill No. 374, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Marwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Joyce -- 1.

##### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0497 -- Water Pollution and Water Resources --

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Allows county highway superintendent to make emergency repairs to up to 400 feet of road without violating Water Quality Control Act or without being required to obtain permit before making such repairs. Amends TCA, Title 69, Ch. 3, Pt. 1.

**Senate Amendment No. 1**

Amend House Bill No. 497 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following new subsection:

( ) A chief administrative officer of a county highway department does not violate the provisions of this chapter by repairing or causing the repair of up to four hundred feet (400') of highway or road in an emergency situation if immediate repairs are necessary to protect human safety and welfare and if such repairs comply with rules and regulations promulgated by the board which regulate the manner in which the repairs are made. Such officer need not obtain a permit prior to making such repairs under such circumstances.

As soon as practicable the chief administrative officer of a county highway department shall notify the commissioner by telephone that an emergency has arisen and that such chief administrative officer intends to make repairs in response to such emergency. The giving of such notice shall not be construed to authorize the commissioner to terminate such repairs.

Within ten (10) days of the completion of any highway or road repair made pursuant to this subsection, the chief administrative officer of the county highway department ordering such repair shall notify the commissioner, in writing, of the action taken and the nature of the emergency necessitating such immediate repair.

Section 2. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following new section:

Section \_\_\_\_\_. The board shall promulgate rules and regulations pursuant to Tennessee Code Annotated, Title 4, Chapter 5, which regulate the manner in which emergency repairs made in accordance with the provisions of Section 1 of this act must be made. The department shall send a copy of such rules and regulations to each county highway department in the state.

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Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 497, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Halteman Harwell -- 1.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

#### UNFINISHED BUSINESS

##### RULES SUSPENDED

Rep. Rinks moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 1429 could be heard by the Agriculture Resources subcommittee immediately after session, and if reported out, be heard by the Agriculture Committee on Tuesday, April 6, 1993, which motion prevailed.

##### RULES SUSPENDED

Rep. Wood moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 46 out of order, which motion prevailed.

Senate Joint Resolution No. 0046 -- Memorials, Congress -- Urges designation of second Monday in August as "Clergy Day".

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On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Wood, the resolution was concurred in.

A motion to reconsider was tabled.

#### **RULES SUSPENDED**

Rep. Rigsby moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 130 could be heard by the Rigsby subcommittee immediately after session and if reported out, be heard by the Transportation Committee on Tuesday, April 6, 1993, which motion prevailed.

#### **SPONSORS ADDED**

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 50:** Rep(s). Dixon as prime sponsor(s).

**House Bill No. 354:** Rep(s). Bittle, Bragg, Hassel, Kent, Kisber and Naifeh as prime sponsor(s).

**House Bill No. 473:** Rep(s). Davidson, Peroulas Draper, Stulce and Winningham as prime sponsor(s).

**House Bill No. 591:** Rep(s). Bittle as prime sponsor(s).

**House Bill No. 847:** Rep(s). DeBerry as prime sponsor(s).

**House Bill No. 1289:** Rep(s). Bell, Cole (Dyer), Peroulas Draper, Duer, Mires and Stamps as prime sponsor(s).

**House Bill No. 1520:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 1593:** Rep(s). Halteman Harwell as prime sponsor(s).

**House Joint Resolution No. 38:** Rep(s). Peroulas Draper, Jackson, Rigsby, Rinks and Williams (Union) as prime sponsor(s).

**House Joint Resolution No. 154:** Rep(s). Herron as prime sponsor(s).

#### **ENGROSSED BILLS**

**March 31, 1993**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 121, 404,

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771, 1014 and 1520; also, House Joint Resolution(s) No(s). 38, 71, 151, 153, 154 and 155.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**March 31, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 132; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**March 31, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 151; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**March 31, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1606, 1610, 1613, 1614, 1615, 1616, 1617 and 1621; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**March 31, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 404; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**March 31, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 34; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

March 31, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 114; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 31, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 19, 150, 217, 313, 338, 369, 439, 443, 499, 665, 675, 739, 1418 and 1594; also, House Joint Resolution(s) No(s). 30, 128, 130, 131, 140, 143, 147 and 150; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 31, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 113, 114, 116, 129, 130 and 132; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 31, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 26, 66, 79, 109, 117, 159, 168, 189, 198, 199, 213, 219, 241, 416, 490, 512, 687, 694, 953, 986, 1140, 1237, 1329 and 1385; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 31, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 32, 117, 118, 119 and 120; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Joint Resolution No. 0032 -- General Assembly, Directed Studies -- Directs department of transportation to study need for traffic signals on Hillsboro Road at Sneed Road and at Murray Lane. by \*Jordan.



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Senate Joint Resolution No. 0117 -- Memorials, Death -- "Aunt Mollie" Walton. by \*Wright.

Senate Joint Resolution No. 0118 -- Memorials, Sports -- East Hickman Middle School girls' basketball team. by \*Springer.

Senate Joint Resolution No. 0119 -- Memorials, Public Service -- Dottie and Bernie Cresap, creation of catalogue for Sumner County archives. by \*Wright.

Senate Joint Resolution No. 0120 -- Memorials, Retirement -- Reverend Gill H. Gordon. by \*Harper.

MESSAGE FROM THE SENATE  
March 31, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 452, 737, 930 and 1087; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 0452 -- Utilities, Utility Districts -- Increases from three to five number of commissioners serving on board of certain water utility districts in Hawkins County. Amends TCA 7-82-307. by \*Wallace.

\*Senate Bill No. 0737 -- Municipal Government -- Places certain requirements on municipal funds, budgets and expenditures and investments. Amends TCA, Title 6, Ch. 56, Pt. 1, 6-56-106, 6-56-202. by \*Henry.

\*Senate Bill No. 0930 -- Insurance, Motor Vehicles -- Limits primary coverage of uninsured motorist to one policy; specifies that injured party can only be occupant of one vehicle at a time. Amends TCA, Title 56, Ch. 7, Pt. 12. by \*Patten.

Senate Bill No. 1087 -- Crime, Victims of -- Authorizes disclosure of name of and providing access to witnesses, suspects and crime scene to criminal investigators if felonious acts of bodily harm or sexual offenses occur on premises of hospitals or in facilities licensed by DMHMR. Amends TCA 33-3-104, 37-1-605, 71-6-103. by \*Haynes.

CONSENT CALENDAR  
March 31, 1993

The following local bills have been placed on the Consent Calendar for Monday, April 5, 1993: House Bill(s) No(s). 1622, 1624, 1625, 1626 and 1628.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 1, 1993.